

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

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WRIT PETITION No.10778 OF 2006

DATE: 30-05-2006

Between:

M/s.The Chodavaram Cooperative Sugars Ltd. . . .Petitioner

and

The CTO, Visakhapatnam and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION No.10778 OF 2006

ORDER: (per LNR, J)

The petitioner is a Cooperative Sugar Factory in which the State Government has 90% share holding. In relation to the inter-State sales of molasses, the first respondent passed an order of assessment. Aggrieved thereby, the petitioner filed an appeal before the second respondent and the same was dismissed. Thereafter, the petitioner preferred a further appeal before the Sales Tax Appellate Tribunal and filed an application for stay before the third respondent. The application for stay was rejected on 08-05-2006. Hence, this writ petition.

In normal course of things, this Court insists on making deposits of certain percentage as a condition precedent for granting order of stay pending disposal of the appeal or the revision, as the case may be. Learned counsel for the petitioner had placed before this Court, a copy of an order in WP.No.21113 of 2003, dated 23-10-2003. The said writ petition was filed by another Cooperative Sugar Factory similarly situated as the petitioner. Taking note of the fact that the petitioner is a unit, in which the State Government has 90% share holding, the Division Bench granted absolute stay.

Following the same, we dispose of the writ petition directing that pending the appeal preferred by the petitioner before the Sales Tax Appellate Tribunal, there shall be stay of enforcement of the order of assessment passed by the first respondent, and the appeal shall be disposed of within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(L.NARASIMHA REDDY, J)

30th MAY, 2006.

(D.APPA RAO, J)

kvni/vrn

